THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.20945 of 1996

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Dated: January 25, 2006

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Between:

G. Seetharamireddy, S/o. Ramachandra Reddy,

aged about 50 years, (E.No.32786)

Occ: Asst. Depot Clerk, Wanaparthy Depot,

APSRTC, Mahabubnagar District.

… Petitioner

And

A.P. State Road Transport Corporation,

rep. By its Managing Director,

Musheerabad, Hyderabad, and two others.

… Respondents

Order:

Petitioner, by this Writ Petition, seeks Mandamus declaring the action of the respondents in not considering his case for promotion to the next higher post of Traffic Inspector Grade-III / Depot Clerk / Travelling Ticket Inspector, though his juniors were given promotion, as arbitrary, unreasonable, and a consequential direction is also sought to direct the respondents to consider his case for promotion to the next higher post, by fixing his seniority above his juniors.

2. Petitioner, who was appointed in the second respondent department in 1968 and promoted as Controller in the year 1977, states that the post of Controller was re-categorized as Asst. Depot Clerk in 1987, and the posts of Controller and Asst. Depot Clerk were interchangeable; as such respondents are utilizing the services of the employees in the aforesaid two posts interchangeably. It is stated that a common seniority list is maintained for the purpose of promotion to the next higher post. While things stood thus, the second respondent prepared a common seniority list of Asst. Depot Clerks / Controllers of Mahabubnagar Region as on 31-01-1995,wherein the petitioner's name has been included as Serial No.55 and the remarks column, it was mentioned that "petitioner opted for Controller forever". Petitioner states to have made representation by raising objection to the said remarks. Petitioner's grievance is that on 20-06-1996, about 11 persons were promoted, as Depot Clerks, in which, there are number of juniors to the petitioner. Hence, he filed the present writ petition.

3. Respondents filed counter affidavit denying the allegations and stated that in terms of the instructions issued in Circular No.PD 22/86 dated 18-02-1996, the post of Controller was merged with the post of Asst. Depot Clerk and a common seniority list was prepared by adding the existing names of the controllers below the list of Asst. Depot Clerks based on the seniority in the cadre of controller, since all the controllers would be juniors to the existing Asst. Depot Clerks as on 01-04-1995 as per the wage agreement entered into the recognized union on
09-10-1985, which was also accepted by this Court in W.P.No.6925 of 1988 dated 26-08-1993. Petitioner's representation was also rejected vide proceedings dated 26-08-1993 and the petitioner having acknowledged the same, cannot question the seniority list.

4. It is clear from the counter affidavit that the seniority list was prepared by the Corporation, following the agreement dated 22-12-1986, which was also published

vide Notification No.P3/367(2)/95-RM, MBNR, dated 15-09-1995. The same was also informed to the petitioner and the petitioner having acknowledged the same, cannot now question the action of the respondents, alleging that his juniors were shown above him in the seniority list.

5. The writ petition is devoid of merits and is accordingly dismissed. No costs.

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N.V. RAMANA, J.

January 25, 2006

MRR